

EXHIBIT 6

TO PLAINTIFF'S STATEMENT OF UNDISPUTED MATERIAL
FACTS IN SUPPORT OF ITS MOTION FOR SUMMARY
JUDGMENT AGAINST DEFENDANT ERIC MONCADA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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U.S. COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

Civil Action No. 12 CV 8791 (CM)

-against-

**RESPONSE TO FIRST SET OF
REQUESTS FOR ADMISSIONS**

ERIC MONCADA,
BES CAPITAL LLC, and
SERDIKA LLC,

ECF Case

Defendants.

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Defendant Eric Moncada, by his attorneys, Litman, Asche & Gioiella, LLP, as and for his Response to the plaintiff's Request to Admit, states the following:

1-5. Defendant denies these requests to admit except admits that during the relevant period, defendant was a member of BES Capital LLC ("BES") and Serdika LLC ("Serdika") and had an interest in the profits of these companies.

6. Defendant denies, except admits that during the relevant period, defendant was registered with the National Futures Association.

7-12. Defendant admits the allegations contained in these paragraphs.

13-14. Defendant lacks information sufficient to form a belief as to the truth thereof and therefore does not admit.

15. Defendant denies the allegations contained in this paragraph, except admits that he was entitled to 40% of the profits of Serdika.

16-17. Defendant lacks information sufficient to form a belief as to the truth thereof and therefore does not admit.

18. Defendant denies the allegations contained in this paragraph, but admits that he was entitled to 40% of the profits of Serdika.

19-22. Defendant admits the allegations contained in these paragraphs.

22 (sic). Defendant admits the allegations contained in this paragraph.

23-26. Defendant admits the allegations contained in these paragraphs.

27. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies these allegations.

28. Defendant denies the allegations contained in this paragraph, except admits that the strategy referred to in this request was part of the strategy employed by defendant.

29-38. Defendant has no independent recollection of the number of orders placed and therefore can neither admit nor deny.

39. Upon information and belief., defendant did use the iceberg function on occasion and therefore denies the allegations contained in this paragraph.

40. Defendant denies the allegations contained in this paragraph.

41. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies these allegations.

42-46. Defendant denies the allegations contained in this paragraph.

47-50. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies these allegations.

52. This request calls for a legal conclusion, and defendant cannot admit or deny these allegations.

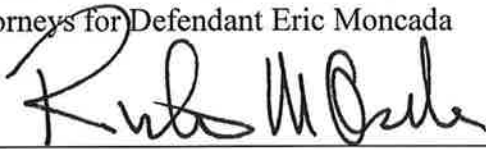
53. This request calls for a legal conclusion, and defendant cannot admit or deny these allegations.

54-56. Defendant admits the allegations of this paragraph.

57. Defendant denies the allegations contained in this paragraph, except admits on information and belief that copies of documents produced to the Commission are maintained in the files of defendant's attorney.

Dated: New York, New York
May 13, 2013

LITMAN, ASCHE & GIOIELLA, LLP
Attorneys for Defendant Eric Moncada

By: 
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